

IN THE SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court No.
Appellee,) CR-18-0370-PR
v.) Court of Appeals No.
) 1 CA-CR 16-0703
RODNEY CHRISTOPHER JONES,) Yavapai County Superior Court
Appellant.) No. P1300CR201400328
_____)

BRIEF OF *AMICI CURIAE* QUALIFYING PATIENTS AND CAREGIVERS

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Interest of Amici Curiae

Amici Curiae, who are qualified medical marijuana patients and caregivers, fear arrest, prosecution, and imprisonment for their possession and use of marijuana extracts based on the ruling below.¹ These patients, who suffer from cerebral palsy,² Dravet Syndrome,³ epilepsy,⁴ and a variety of other seizure disorders,⁵ effectively treat their debilitating medical conditions only through the careful administration of marijuana extracts.⁶

For example, Tony and Bethany Pinkowski’s two-year-old daughter, Jordyn, suffers from Dravet Syndrome, a rare, lifelong form of epilepsy caused by a mutation of the SCN1A gene.⁷ Due to this disorder, Jordyn has suffered from “thousands of seizures” often requiring hospitalization and painful intubation.⁸ Dravet Syndrome

¹ See Declarations of Registered Caregivers on Behalf of Qualifying Patients (“Patient Declarations”), attached as Appendix to Brief of *Amici Curiae* Qualifying Patients and Caregivers.

² Patient Declarations at APP-010-13 (Robbin White Declaration); *Id.* at APP-004-06 (Parisa Mansouri-Rad Declaration).

³ *Id.* at APP-001-03 (Bethany Pinkowski Declaration).

⁴ *Id.* at APP-014-17 (Wendy Wise Declaration); *Id.* at APP-018-20 (Paola Gaudio Declaration); *Id.* at APP-007-09 (Carla Dassie Declaration); *Id.* at APP-021-24 (Sommer Mutter Declaration); *Id.* at APP-028-29 (Jessica Prather Declaration); *Id.* at APP-025-27 (Catherine Foland Declaration); *Id.* at APP-030-32 (Alicia Goodman Declaration); *Id.* at APP-033-36 (Andrea Light Declaration).

⁵ *E.g. id.* at APP-007-09 (Carla Dassie Declaration).

⁶ See Patient Declarations.

⁷ *Id.* at APP-001-03 (Bethany Pinkowski Declaration).

⁸ *Id.*

cannot be treated with many anti-seizure medications.⁹ As Tony and Bethany tried numerous ineffective medications, their young daughter was regressing developmentally.¹⁰ With no alternative, Bethany began administering two marijuana extracts: cannabidiol (CBD) oil and tetrahydrocannabinol (THC) tinctures.¹¹ The results were astonishing. Jordyn was seizure-free for 11 weeks.¹² “She now smiles and plays and is developing normally.”¹³ As Bethany explains, marijuana extracts have been “lifesaving” for her daughter and the only treatment that “reduce[s] the frequency and length of Jordyn’s seizures.”¹⁴

Because Jordyn is so young, she can only use marijuana extracts in the form of liquids that her parents administer orally.¹⁵ With the opinion below, such extracts are no longer lawfully available to her.¹⁶ In addition to threatening Jordyn’s physical well-being, the Court of Appeal’s decision has caused financial hardship for her family.¹⁷ Prior to the decision below, Tony and Bethany both worked outside the home and relied on a nurse who made daily home visits to administer Jordyn’s

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *State v. Jones*, 245 Ariz. 46 ¶¶ 9, 14 (App. 2018).

¹⁷ Patient Declarations at APP-001-03 (Bethany Pinkowski Declaration).

medicine.¹⁸ Now with the threat of arrest, prosecution, and imprisonment these nursing services are no longer available.¹⁹ As a result, Bethany has had to resign from her position as a registered nurse at a hospital's neuro-intensive care unit to care for her daughter and the family has lost a significant portion of their collective income.²⁰

Parisa Mansouri-Rad's daughter suffers from cerebral palsy and is visually impaired.²¹ At 14 years old, she underwent spinal fusion surgery for scoliosis and has since developed superior mesenteric artery syndrome, a gastro-vascular disorder that causes nausea, vomiting, and severe abdominal pain.²² Due to these debilitating medical conditions, Ms. Mansouri-Rad's daughter suffers from severe and chronic pain.²³ Prior to using marijuana extracts, she was "bedridden, out of school and on feeding tubes."²⁴ Since using marijuana extracts, however, her life has improved dramatically. She is eating independently, without relying on tubes, and she "is walking and moving without assistance."²⁵ With these improvements, Ms. Mansouri-Rad's daughter has "gained confidence in herself" and has returned to

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at APP-004-06 (Parisa Mansouri-Rad Declaration)

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

school full time.²⁶ Because the marijuana flower “is not as effective,” Ms. Mansouri-Rad’s daughter needs marijuana extracts to continue benefitting from this medicine.²⁷ Having tried vaporizing the flower, Ms. Mansouri-Rad knows that this ingestion method requires large quantities of plant material along with “far more time and effort for [her] daughter which is challenging due to her [daughter’s] limited mobility and limited strength and stamina.”²⁸ Marijuana extracts provide a “safer and more effective” treatment method.²⁹

Ashley Dassie is 11 years old and another patient who finds relief through the controlled use of marijuana extracts.³⁰ Ashley suffers from a rare brain malformation called Schizencephaly, which has caused her to suffer seizures since she was six months old.³¹ Ashley was prescribed a series of different seizure medications with no improvement.³² She was still having daily seizures.³³ Worse, Ashley was regressing developmentally from being over-medicated.³⁴ Her parents felt that they were “losing their little girl” because the medications made her “not

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at APP-007-09 (Carla Dassie Declaration).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

cognitively available for learning at all and she was still seizing.”³⁵ With CBD oil Ashley’s parents “immediately noticed improvement in her sleeping, eating, and awareness.”³⁶ Once controlled, tinctures low in THC were added to her CBD intake and Ashley improved even more. She is no longer seizing every day and “she is more alert and available for learning for the *first time in her life*.”³⁷ As her mother explains, Ashley “can finally...be a kid. She smiles and communicates in her own way with loved ones and she is happy and full of life.”³⁸ Like Ms. Mansouri-Rad’s daughter, Ashley’s condition cannot be treated effectively with the marijuana flower, the only form of medical marijuana available if the opinion below stands.³⁹ The CBD levels in the marijuana flower are insufficient for her needs⁴⁰ and Ashley is physically unable to smoke marijuana.⁴¹ The Court of Appeals’ opinion jeopardizes her health and well-being.

I. INTRODUCTION AND SUMMARY OF ARGUMENT

The Court of Appeals’ opinion in this case violates basic principles of statutory interpretation. It undermines the intent of the voters who passed the

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* (emphasis added).

³⁸ *Id.*

³⁹ *State v. Jones*, 245 Ariz. 46 ¶¶ 9, 14 (App. 2018).

⁴⁰ Declaration of William Troutt, NMD (“Troutt Declaration”) at APP-036-38 ¶¶ 12-18, attached as Appendix to Brief of *Amici Curiae* Qualifying Patients and Caregivers.

⁴¹ Patient Declarations at APP-007-09 (Carla Dassie Declaration).

Arizona Medical Marijuana Act (AMMA).⁴² Worst of all, the opinion jeopardizes the health of vulnerable children and adults whose well-being precariously depends upon lawful access to medical marijuana extracts. For these reasons, the undersigned Amici Curiae respectfully request that this Court accept the Petition for Review and reverse the decision below.

The majority held that AMMA does not allow a qualifying and card-carrying patient to possess a marijuana extract he acquired from a state-licensed dispensary.⁴³ This decision significantly constrains patients' ability to benefit from medical marijuana. The majority has left patients with two options: eat marijuana or smoke it.⁴⁴ But the most vulnerable patients with the most debilitating medical conditions cannot use this medicine through either of these methods. Marijuana extracts, however, are easy for all patients to ingest and can be manipulated to best suit a patient's needs.⁴⁵ The ability to manipulate the marijuana plant means, for example, that marijuana's non-psychoactive components can be isolated from THC, the principal psychoactive component of marijuana. This isolation process allows patients, and children in particular, to benefit from the medicine without experiencing any psychoactive effects from THC.⁴⁶ If marijuana extracts are not

⁴² A.R.S. § 36-2801 *et seq.*

⁴³ *State v. Jones*, 245 Ariz. 46, ¶ 9 (App. 2018).

⁴⁴ *Id.* at ¶ 14.

⁴⁵ *See* Troutt Declaration at APP-036, ¶¶ 11-12.

⁴⁶ *See* Patient Declarations.

permitted, patients will be unable to customize the medicine to their specific needs. Fortunately, the Department of Health Services (DHS), sanctions the possession and use of marijuana extracts by qualifying patients. As a result, state-licensed dispensaries sell extracts, such as CBD oil, tinctures, tonics, hash, and infused edible and non-edible products, to patients who use them to ease their suffering and improve their quality of life.⁴⁷ Many patients have come to wholly rely on marijuana extracts to treat their debilitating medical conditions.⁴⁸

For example, Lacey White suffers from cerebral palsy and a severe cognitive disorder.⁴⁹ Although she is almost 22 years old, she has the intellectual function of a nine-month-old infant and is unable to walk, talk, or feed herself.⁵⁰ Lacey suffers from uncontrollable spasms, chronic pain, and seizures and requires constant care.⁵¹

Prior to AMMA, Lacey was prescribed a regimen of pharmaceutical medications.⁵² Her doctors and parents tried countless drugs to control her seizures

⁴⁷ R9-17-304(C)(8)(b)(v)-(vi) (requiring dispensary by-laws to include “whether the dispensary plans to: ... [p]repare, sell, or dispense marijuana-infused edible food products [and] marijuana-infused non-edible products...”); *see* ARIZ. DEP’T OF HEALTH SERVS., MEDICAL MARIJUANA VERIFICATION SYSTEM DISPENSARY HANDBOOK 11 (2017), <https://www.azdhs.gov/documents/licensing/medical-marijuana/dispensaries/dispensary-handbook.pdf> (providing that “[n]on-edibles are any non-edible items, *such as concentrates*, sold that contain medical marijuana”) (emphasis added).

⁴⁸ *See* Patient Declarations.

⁴⁹ Patient Declarations at APP-010-013 (Robbin White Declaration).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

and provide relief from severe pain that caused constant screaming, crying, and anger fits.⁵³ Unfortunately, nothing worked, and these medications caused horrific side effects and withdrawal symptoms when discontinued.⁵⁴

Today, Lacey is much better. With the use of marijuana extracts, Lacey goes for months without suffering a seizure.⁵⁵ She is much calmer and once-common spasms in her legs and feet rarely occur.⁵⁶ Prior to treatment with marijuana extracts, Lacey never laughed or smiled.⁵⁷ Now, she laughs and smiles “all the time.”⁵⁸ She can express love for her parents and is able to hug them.⁵⁹

Holding that AMMA does not permit the use of marijuana extracts, the Court of Appeals’ ruling in this case threatens to strip patients like Lacey of life-changing gains. Patients and their caregivers now face an impossible choice: continue treatment and risk arrest, prosecution, and imprisonment,⁶⁰ or cease the use of medicine that has eased previously intractable pain and suffering. This Court’s review is necessary to correct the legal errors in the decision below and to ensure

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *State v. Jones*, 245 Ariz. 46, ¶¶ 1-2 (App. 2018) (upholding qualifying patient’s arrest, prosecution, and sentence of 2.5 years’ imprisonment for possessing 0.050 ounces of hashish, which he acquired at a state-licensed dispensary).

that qualified patients throughout Arizona can reliably and lawfully access the medicine they need.

II. ARGUMENT

A. The Majority’s Opinion Contradicts the Text of AMMA and the Voters’ Clear Intent to Expand Medical Options for Patients with Debilitating Medical Conditions.

This case presents a straightforward question of statutory construction and intent: whether AMMA’s “broad[.]” and “sweeping” immunity⁶¹ applies equally to the flowers of the marijuana plant and to extracts made or prepared from that plant. Both the text of AMMA and the initiative’s supporting materials⁶² plainly demonstrate that the answer is yes.

The voters intended for patients like *Amici Curiae* to be able to lawfully access medical marijuana in the form most helpful to them. Dissenting from the majority opinion, Judge Jones correctly relied on the text of the statute to reach the same conclusion. He explained that AMMA “defines ‘marijuana’ broadly to include ‘all parts of any plant of the genus *cannabis* whether growing or not, and the seeds of such plant.’”⁶³ Based on this definition, Judge Jones reasoned that component

⁶¹ *Reed-Kalisher v. Hoggatt*, 237 Ariz. 119, 122, ¶ 8 (2015).

⁶² ARIZ. SEC’Y OF STATE, ARIZONA BALLOT PROPOSITION GUIDE, GENERAL ELECTION – NOVEMBER 2010 at 73 (2010), <https://apps.azsos.gov/election/2010/info/PubPamphlet/english/e-book.pdf> [hereinafter 2010 VOTER GUIDE].

⁶³ *State v. Jones*, 245 Ariz. 46, ¶ 19 (app. 2018) (Jones, J., dissenting) (citing A.R.S. § 36-2801(8)).

parts “extracted from the marijuana plant ... [are] a part of the plant of the genus cannabis, just as sap is a part of a tree.”⁶⁴ This broad definition “clearly encompasses all forms of the marijuana plant, including its resin, and is consistent with the spirit and purpose of the AMMA.”⁶⁵

The unambiguous and broad definition of marijuana is just one of multiple provisions in the statute that demonstrate the voters’ intent to allow medical marijuana extracts. For example, the statute distinguishes between “smoking” and other “use” of marijuana. AMMA forbids patients from “possessing or engaging in the medical *use* of marijuana” in certain locations, like schools or correctional facilities.⁶⁶ It also specifically forbids “*smoking* marijuana” in other locations, like public places.⁶⁷ Plus, AMMA specifically allows certain facilities, like “assisted living homes,” to adopt a restriction “[t]hat marijuana be consumed by a method *other than smoking*.”⁶⁸ Thus, the law clearly contemplates that patients can consume medical marijuana by means other than smoking the plant. And according to a locally-recognized medical marijuana expert, “[c]annabis preparations that are consumed as food or drink *typically involve cannabis extractions rather than just*

⁶⁴ *Id.*

⁶⁵ *Id.* at ¶ 16.

⁶⁶ A.R.S. § 36-2802(B) (emphasis added).

⁶⁷ A.R.S. § 36-2802(C) (emphasis added).

⁶⁸ A.R.S. § 36-2805(A)(3) (emphasis added).

plant material.”⁶⁹ The Court of Appeals’ conclusion to the contrary discounts these provisions and therefore violates basic rules of statutory construction.

AMMA’s qualifying conditions also support the conclusion that the voters intended for the law’s immunity to include marijuana extracts. For example, AMMA decriminalizes medical marijuana use for patients who suffer from amyotrophic lateral sclerosis (ALS).⁷⁰ Patients with advanced ALS have great difficulty breathing and swallowing and so it can be physically impossible for them to eat or smoke raw plant material.⁷¹ However, these patients can consume an extract simply by placing a few drops on the tongue.⁷² It is illogical to interpret AMMA as allowing people with ALS to qualify as patients under the law but then to prohibit them from using the medicine in the only form they are physically capable of consuming.

Moreover, nothing in the 2010 Voter Guide supports the majority’s conclusion that qualifying patients are only permitted to use un-manipulated plant material to treat their debilitating medical conditions. The definition of marijuana in Arizona’s criminal code does not include the resin that can be extracted from the plant. But voters were told in the 2010 Voter Guide that “[a] ‘yes’ vote [for AMMA]

⁶⁹ Troutt Declaration at APP-035, ¶ 9 (emphasis added).

⁷⁰ A.R.S. § 36-2801(3).

⁷¹ Troutt Declaration at APP-036, ¶ 11.

⁷² *Id.*

shall have the effect of authorizing the use of medical marijuana for people with debilitating medical conditions [and a] ‘no’ vote shall have the effect of *retaining current law* regarding the use of marijuana.”⁷³ By passing AMMA, voters specifically rejected “retaining current law” as it would apply to qualifying patients. The majority therefore erred in superimposing the older criminal code’s definition of marijuana onto the newer AMMA.⁷⁴

Both the text of AMMA and its ballot materials demonstrate that voters intended to give patients flexibility in how they ingest medical marijuana. The majority’s contrary decision unjustifiably limits patients’ options and leaves them fearful of criminal prosecution and imprisonment.

B. The Majority’s Opinion Will Irreparably Harm Patients, Including Parents and Their Children, Who Rely on Marijuana Extracts to Treat Their Debilitating Medical Conditions.

The Court of Appeals’ legal error has grave implications for vulnerable patients. In passing AMMA, voters in Arizona intended for parents like Wendy Wise, Paola Gaudio, Robbin White, Marisa Mansouri-Rad, and many others to be able to lawfully treat their children’s debilitating conditions with medical

⁷³ 2010 VOTER GUIDE, *supra* note 60, at 88 (emphasis added).

⁷⁴ *State v. Jones*, 245 Ariz. 46, ¶ 9 (App. 2018) (holding AMMA retains “preexisting law distinguishing between cannabis and marijuana”). *Contra* 2010 VOTER GUIDE, *supra* note 60, at 88 (expressly stating that *only* “[a] ‘no’ vote shall have the effect of retaining current law regarding the use of marijuana.”)

marijuana.⁷⁵ The decision below strips patients and their caregivers of AMMA’s immunity,⁷⁶ even though this Court has previously characterized that immunity as “broad[]” and “sweeping.”⁷⁷

Marijuana extracts, such as CBD oil, can provide significant relief to patients, including children who suffer from medical conditions as debilitating as severe seizure disorders.⁷⁸ Many parents who successfully treat their children with CBD oil use an extract that has higher concentrations of cannabidiol than is available from the marijuana plant.⁷⁹ These oils are less psychoactive than the “relatively benign flowers of the marijuana plant.”⁸⁰

For many patients, these extracts have been effective after traditional medications and narcotic drugs have failed.⁸¹ The effect of marijuana extracts has been life-changing for Amici Curiae. As Wendy Wise explains, without access to marijuana extracts, she fears she would “lose” her 6-year-old son, William, who

⁷⁵ See 2010 VOTER GUIDE at 73, 88.

⁷⁶ *Jones*, 245 Ariz. at ¶¶ 1-2.

⁷⁷ *Reed-Kalisher v. Hoggatt*, 237 Ariz. 119, 122, ¶ 8 (2015).

⁷⁸ Patient Declarations; Troutt Declaration.

⁷⁹ Patients Declarations; some parents are advised to supplement CBD oil with small amounts of THC in cases where the THC can enhance the anti-seizure effects of CBD. To do this requires precision dosing that is only possible with the use of extracts. Troutt Declaration at APP-036, ¶ 11.

⁸⁰ See *Jones*, 245 Ariz. at ¶ 14. The majority’s analysis erroneously assumed that the sole purpose of extraction processes is to increase the psychoactive potency of marijuana. In fact, many patients use the extraction process to make the medicine *less* psychoactive than the un-manipulated plant.

⁸¹ Patients Declarations.

successfully treats his epilepsy through the careful administration of such extracts.⁸² Similarly, Paola Gaudio, a registered nurse, is only able to control her son Gabriel's seizures with medical marijuana extracts.⁸³ Gabriel was diagnosed with epilepsy at six months old and is currently diagnosed with Lennox-Gastaut Syndrome, which used to cause him to suffer 15-20 seizures every day, including "drop seizures" during which Gabriel "literally collaps[ed] to the floor."⁸⁴ With the use of marijuana extracts, Gabriel now has only two to five seizures a day and no longer suffers from drop seizures.⁸⁵ As his mother explains, the use of these extracts allows Gabriel to "live a semi-normal life with such a debilitating disease."⁸⁶

Sommer Mutter's son, Ethyn, is another patient who is unable to find relief from traditional medication yet thrives when using marijuana extracts to treat his debilitating conditions. Ethyn is a 13-year -old boy who suffers from severe and complex medical conditions, including type 1 diabetes, autism, and epilepsy.⁸⁷ He also suffers from chronic pain and discomfort associated with neuropathy, celiac disease, and arthritis.⁸⁸ Due to his severe autism, Ethyn's cognitive, motor, and oral

⁸² *Id.* at APP-014-17 (Wendy Wise Declaration).

⁸³ *Id.* at APP-018-20 (Paola Gaudio Declaration).

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.* at APP-021-24 (Sommer Mutter Declaration).

⁸⁸ *Id.*

motor functions are impaired.⁸⁹ He cannot perform many normal bodily movements that would be necessary to ingest medical marijuana in a form other than an extract.⁹⁰ Additionally, Ethyn’s autism makes him particularly sensitive to taste, smell, and texture.⁹¹ As a result, his mother cannot administer leafy plant material to her son, but she can give him marijuana extracts.⁹²

Prior to using these extracts Ethyn averaged five to eight seizures a day.⁹³ He was unhappy and in constant pain.⁹⁴ But now, with the precise dosing that marijuana extracts permit, Ethyn is “thriving.”⁹⁵ He has suffered only 11 seizures in three years and is now able to regularly attend school.⁹⁶ Through the controlled use of marijuana extracts, Ethyn is “the happiest he has ever been in his young life.”⁹⁷

The Court of Appeals’ decision below leaves patients like William, Gabriel, and Ethyn without lawful access to their life-changing medicine. If this Court leaves that decision undisturbed, vulnerable patients throughout Arizona will suffer irreparable harm.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

III. CONCLUSION

This case involves a legal error that affects the liberty and physical well-being of many patients throughout the state. Because of its importance, Amici Curiae, who are patients, parents, and caregivers, respectfully urge this Court to accept jurisdiction and reverse the opinion below.

Respectfully submitted this 31st day of October 2018.

By /s/Jared G. Keenan

Jared G. Keenan

Kathleen E. Brody

American Civil Liberties Union Foundation of Arizona

Emma Andersson

(pro hac vice application pending)

American Civil Liberties Union

Attorneys for Amicus Curiae

Qualifying Patients and Caregivers

APPENDIX

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8.	Declaration of Catherine Foland	APP-025-027
9.	Declaration of Jessica Prather	APP-028-029
10.	Declaration of Alicia Goodman	APP-030-032
11.	Declaration of Andrea Light	APP-033-036
12.	Declaration of William Troutt, NMD originally prepared for litigation in <i>Jacob Welton, et al. v. State of Arizona et al.</i> , Maricopa County Superior Court Action No. CV 2013-014852	APP-037-042

EXHIBIT 1

I, Bethany Pinkowski, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. As any normal family we were beyond excited to welcome our perfect baby Jordyn born May 26, 2016. Our world as we knew it would forever change October 5, 2016 when Jordyn had her first of thousands of seizures and a diagnosis of Dravet syndrome. This syndrome is a mutation of her SCN1A gene, which basically means she is missing her entire sodium channel in her whole body, thus causing seizures. The problem we face is that over half of all available anti-seizure meds are sodium channel blockers, which Jordyn is unable to take because of her missing sodium channel.

As a mother I was desperate after failed pharmaceutical meds. I was willing to try anything to help alleviate Jordyn's tonic-clonic seizures that can last up to 3 1/2 hours long requiring intubation, hospitalization, and will knock her down for days. We were at a point where Jordyn was having more bad days than good. I was slowly watching my baby regress. We turned to CBD oil and THC tincture and Jordyn went 11 weeks seizure free. With Jordyn being two years old we are limited to oral liquid medication, which is why we use oil and tincture. This medicine has

given my baby back to us. She now smiles and plays and is developing normally. This medicine has been lifesaving and changing for my baby girl. CBD oil and THC tincture has been the only thing we have found that number one Jordyn can take and number two significantly helps reduce the frequency and length of Jordyn's seizures. Please do not take away her life, the quality of life we have fought so hard to give my baby Jordyn. Please think of Jordyn and the many other children who seriously benefit from all forms of CBD and THC.

This has also put a tremendous financial burden on our family. I had to resign from work as a Neuro ICU RN because Jordyn's nurse who comes to our house daily to help cannot give Jordyn her medication. My husband has to work 7 days a week 13 to 14 hours a day to just barely keep a roof over our head.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 17 2018, in

Buckeye, Arizona.

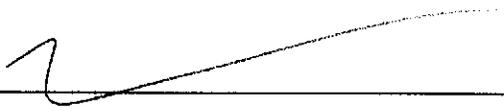

Bethany Pinkowski

EXHIBIT 2

I, PARISA MANSOURI-RAD, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

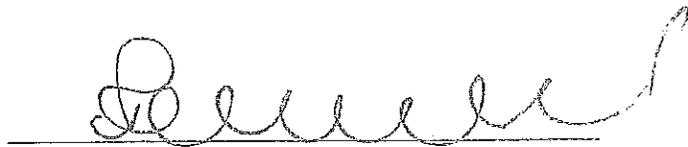
3. My daughter was born prematurely. She weighed only 1 pound at birth and she has had cerebral palsy since she was born. She is also visually impaired. When she was fourteen she had spinal fusion surgery to correct her scoliosis. She then developed superior mesenteric artery syndrome, which pharmaceutical opioids contributed to as causes. As a result of her various medical conditions, my daughter experiences chronic pain. For periods in her life, my daughter has been bedridden, out of school and on feeding tubes. Several years ago, we got her a medical marijuana card and started treating her with concentrated cannabis, which is now part of my daughter's daily regimen. My daughter went from being bed ridden, out of school and on feeding tubes, to eating independently and being able to function more normally. Her mobility improved and she is walking and moving without assistance. She has gained confidence in herself so her performance in all areas has improved. She is attending school full time again. It has allowed her to be a higher functioning child despite her rare life threatening condition. It has allowed her to act like a child again and enjoy her time here with us. It also allowed her to fulfill her Make-A-Wish dream of meeting Justin Bieber at age fifteen.

Without concentrated cannabis *none* of this would be possible. We cannot use the flower because it's not as effective for our daughter. We have tried vaporizing but it takes *far more* flower and also far more time and effort for my daughter which is challenging due to her limited mobility and limited strength and stamina. And

obviously smoking is not a pediatric-friendly alternative. Extracted concentrates are a safer and more effective method for my child.

My daughter's health and quality of life entirely depend on her being able to reliably access cannabis concentrates. Without this medicine, my child will likely regress, lose weight and experience fatigue to the point of requiring hospitalization.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on Oct. 1st 2018, in Mesa, Arizona.

A handwritten signature in cursive script, appearing to read "Parisa Mansouri-Rad", written over a horizontal line.

PARISA MANSOURI-RAD

EXHIBIT 3

I, Carla Dassie, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. We have an 11-year old daughter with epilepsy. Here is her story: Ashley started having seizures at a very early age, 6 weeks old to be exact. She is now 11 years old. She was diagnosed with a very rare brain malformation called Schizencephaly. Ashley's diagnosis does not respond well to seizure medication. We tried every seizure medication available to us with no improvement. Ashley has daily seizures. We were slowly losing our little girl, she regressed in skills and she was drugged from the maximum doses of seizure medication, sometimes multiple medications at a time. She was not cognitively available for learning at all and she was still seizing. We started Ashley on CBD oil in 2015. Immediately we noticed improvement in her sleeping, eating and awareness. We added THC to the CBD oil that we were using and saw the best improvement yet. Ashley is NOT seizing every day now, she is more alert and very available for learning for the first time in her life. She no longer must suffer through daily tonic seizures which harm her in many ways. She can finally for the first time in her life, be a kid. She smiles and communicates in her own way

with loved ones and she is happy and full of life. Ashley is also now fully off all seizure medication and doing great. Ashley also cannot smoke the marijuana plant or take it in any other form except for the oil form. Please don't take this amazing plant in oil form away from her. If the CBD and/or THC oil is taken away from Ashley because of a legality issue I fear she would pass away from a seizure. She deserves (as does every other child and person taking concentrated form of the marijuana plant) the best access for the best quality of life possible.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 17 2018, in Gilbert, Arizona.



Carla Dassie

EXHIBIT 4

I, ROBBIN WHITE, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. I am the mother of Lacey White, who is almost 22 years-old. Lacey has been diagnosed with cerebral palsy and severe cognitive disorder. She has the mental intellectual capacity of a 9 month-old infant and is unable to walk, talk or feed herself. Essentially, she requires total care in her daily life.

Lacey's quality of life was unbearable until we obtained a medical marijuana card for her as she suffered from uncontrollable spasms, chronic pain and seizures. She screamed and cried all of the time, which was agonizing as a parent to watch as there was nothing we could do help her. The doctors we took her to prescribed Baclofen and Botox shots in her legs but were unable to give her any relief. We were so desperate at age 14 that we were then recommended to pursue psychotic pharmaceuticals. From there things gradually got worse for Lacey.

In the first ten months the doctors had tried at least 6 different medications that had terrible side effects. We were just looking for relief from her constant screaming, crying and anger fits. School and caregivers were also at their wit's end trying to cope with her outbursts and be creative in trying to calm her down. Eventually the doctor kept her on Paxil, an anti-depressant, which for only a short time gave some relief. What we were never warned of was how addicting the medication is and the horrific side effects and withdrawal symptoms that Lacey would experience. Seizures started to come on a more regular basis and more intensely, which I learned after taking her off the Paxil, is a condition that a lot of patients will experience.

Lacey was a little over 19 years-old when we heard from a prior caregiver that the family of one of Lacey's old schoolmates had pursued a medical marijuana card for their

daughter, who was still a minor at the time, and were having a lot of great results with it. I recalled this child, as she was a lot like our daughter, but she was able to walk. I immediately contacted the family and began our journey to obtain a medical marijuana card for Lacey. This experience took us back to when Lacey was 14 and the trials of going through so many medications. We had even halfheartedly joked with the psychiatrist back then that that's why didn't we try marijuana as it was just coming to the forefront in the medical field and so many of the medications he prescribed were not working. If we had only known back then how amazing the results would be Lacey would have had 5 less years of suffering.

Our first order of business was to take her off the pharmaceutical medications as they were ultimately not helping her. In fact, the Paxil was really harming her and was the toughest to wean her off. The withdrawal symptoms were like her being on crystal meth. She picked at her arms and legs, which I read was because it felt to her like bugs were crawling under her skin. She was back to screaming and crying all the time. She slept less and less, and of course the seizures became more intense and frequent. It took us almost 3 months to fully wean her off these pharmaceutical medications before Lacey could really experience the full effects of the medical marijuana. The results were just amazing. At first Lacey had gone over 6 full months with no seizures. She was so much calmer and the spasms in her legs and feet rarely surfaced. *Lacey had never laughed or smiled prior to taking medical marijuana.* She laughs and smiles all the time now. Her quality of life has done a 180 degree change. For a parent to never hear their child say that they love them or hug them, and now to see her finally happy and free of pain is a *huge reward*, and an accomplishment both for her and us.

If the State of Arizona bans marijuana concentrates this would be devastating to Lacey. She would have no options as she is unable to smoke/inhale marijuana. Her only option is to continue with the CBD and THC drops by mouth that she desperately relies on now. One of the great benefits of using the concentrated marijuana is that Lacey

doesn't have to consume a large quantity of the product. She only has 4 drops of the THC drops a day.

I struggle to comprehend why any form of government would want to deny such beneficial options to individuals with disabilities or debilitating medical conditions. However, I have heard stories of 'normal' people manipulating the system to obtain a medical marijuana card. I believe the government should focus their displeasure and efforts to eliminate these situations.

I hope our story of Lacey's incredible journey to a better life has inspired you to understand the amazing benefits it brings to her and so many like her, and to not ban any form of marijuana in a concentrated form.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 15 2018, in Pinal County Apache Junction Arizona.



ROBBIN WHITE

EXHIBIT 5

I, Wendy Wise, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. My name is Wendy Wise. I am mother and medical caregiver to my son William Wise. In January 2016 William, at 6 years old, was diagnosed with epilepsy after having multiple seizures over a course of two weeks. He was then placed on Keppra to control his seizures. Not only did we not see relief from the seizures, he was averaging 2-3 per week, there were other areas in his life that were affected. He has been receiving at home habilitation therapy since he was 3 years old for his autism. His therapy sessions regressed. This included his speech, cooperation, once mastered skills such as hand washing, dressing himself, and toileting all reverted to the beginning. At school he started having more melt downs, emotional outbursts and aggressive behaviors. He stopped smiling, laughing, and even responding like he used to. I felt I was losing my son.

After months of these behaviors and with no relief from the seizures, I applied for my medical caregiver card. I was approved and was soon administering CBD and TCH in the form of Charlotte's Web and tincture drops. I had seen documentaries and heard stories of the relief it has provided children in the past with

epilepsy. We had to find a different neurologist after receiving instructions on how to wean William off the Keppra as they were no longer allowed to see us due to our medication preference.

We began to see results immediately. William went from having a seizure a few times a week, to going 4 months seizure free! He now only has a seizure once every 3-4 months! His teachers, therapists, and family all noticed an improvement in his behavior and overall demeanor. He was laughing and playing again. He was increasing in his verbal communication and eye contact. There has been no more bathroom accidents or aggressive behavior since starting him on his cannabis medication.

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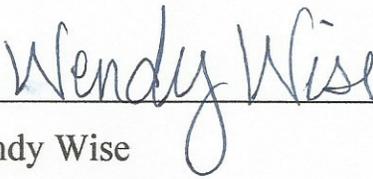
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William receives .6ml of Charlotte's Web and .3ml of Vital THC tincture twice per day. It is easy to measure and administer to him. I was able to use a tool I received from Harvesting Hope that suggested a dosage based on William's weight. My son is almost 9 years old so using the flower form of this medication is not appropriate for him. This should not be the only legal way it is available to him. I agree with his pediatrician, neurologist, and therapists that he has benefitted from this medication.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 20 2018, in 2018 Arizona.



Wendy Wise

EXHIBIT 6

I, Paola Gaudio, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. My name is Paola Gaudio and my son Gabriel was diagnosed with epilepsy at 6 months old. He was on numerous seizure medications without any success. About 1 year ago I had run out of options regarding medications. There were a few I had not tried but being a registered nurse, I knew the side effects and refuse to give them to my child. Gabriel was diagnosed with Lennox-Gastaut Syndrome. He was having drop seizures and was literally just collapsing to the floor. Without any control from pharmaceuticals I decided to investigate medical marijuana. This is when I was referred to Harvest of Scottsdale and started Gabriel on CBD.

I noticed a change in my son immediately. His seizures cut in half daily. Instead of having 15-20 seizures he was having 10 or so a day. I was able to get him off two pharmaceuticals once we found some control with the CBD. Then I started to add the THC oil and today Gabriel only has 2-5 seizures a day and has mostly stopped having drop seizures all together. I also use the THC oil for rescue

medication for the times that he may have longer seizure. I place 5-7 drops of THC oil in his mouth and the seizure usually stops immediately.

Gabriel has been able to advance in his milestones better ever since we started CBD oil and he is able to participate in preschool. Without CBD oil and THC oil we are back to square one trying to get him regulated. My son needs this medication. This medication is vital for him to be able to live a semi-normal life with such a debilitating disease.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 30 2018, in Phoenix, Arizona.

A handwritten signature in cursive script that reads "Paola Gaudioso". The signature is written in black ink and is positioned above a horizontal line.

Paola Gaudioso

EXHIBIT 7

I, Sommer Mutter, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. Ethen Michael Nash Conner is a 13-year-old boy who has been using Cannabis to treat his chronic pain and epilepsy since August of 2015. We have been using cannabis concentrates since very early on in our journey in treating his epilepsy.

We use a tincture to treat Ethen's chronic pain as well as his epilepsy that resulted from the use of the pharmaceutical Abilify. Even after we discontinued the medication the seizures remained. Due to Ethen's severe and complex medical issues (type 1 diabetes, autism, neuropathy, celiac disease/irritable bowel disease and arthritis), the most problematic being his Type 1 diabetes and epilepsy, he isn't a candidate for many pharmaceuticals including anti-convulsant medications and pain management medications. The pharmaceuticals would complicate and cause side effects so severe to the function of his body that it would ultimately result in death for my son.

Ethyn has severe autism and with that his cognitive, motor and oral motor functions are severely impaired. He cannot perform complex body movements of all extremities and hold shape and form of his mouth, (i.e. holding a vape pen or pipe and putting his mouth appropriately on the device) to complete the movements necessary to physically smoke cannabis and get the plants full benefits to help reduce and eliminate his seizures and chronic pain. Ethyn's autism also makes him hyper sensitive to any taste, smell or appearance of medications and foods. We tried using the flower initially with no success because he would not consume the cannabis due to its smell, texture and taste.

Ethyn has benefitted tremendously from using cannabis concentrates. Before we started using concentrates he was averaging 5-8 seizures a day. After 5 days of starting cannabis we went 296 days with zero seizures and his pain seemed nonexistent. I went from having a very unhappy, uncomfortable pain ridden child to a happy and thriving child who is now finally trying to communicate with me via communication device. He was able to return to school, therapies and have a quality of life. In the 3 years we've been using concentrates we've only had 11 seizures total. He is without a doubt the happiest he has ever been in his young life.

Ethyn needs to have the ability to use concentrates to sustain life. He requires a precise and exact dose of cannabis both CBD and THC to control his epilepsy as well as provide pain management. With flower we are unable to achieve the same results due to the inability of having the exact and precise dose

that concentrates provide. It's also a matter of the ability to achieve the strength and milligram dosage Ethyn requires to successfully achieve seizure and pain freedom. Concentrates allow me to mask and or hide the taste, texture and flavor of the cannabis product so that he can safely consume without causing any type negative emotional impact.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 30 2018, in

Mesa

, Arizona.

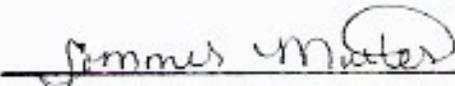

Sommer Mutter

EXHIBIT 8

I, CATHERINE FOLAND, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. Two years ago, just days after my daughter's 13th birthday, she was diagnosed with epilepsy. After a tonic-clonic seizure that she would not come out of, we called 911, and she was hospitalized for three days. That was the beginning of our nightmare with anti-epileptic drugs (AEDs).

In the hospital, the doctor put her on Keppra. About four days after being released she began displaying paranoia and acute anxiety. She was a shell of the girl she had been just two weeks earlier. Over the next few weeks, her behavior continued to deteriorate. There were lots of calls to the doctor, who (through his nurse) basically told us it wasn't the drugs but a coincidence that she began displaying this behavior immediately after beginning the Keppra. We knew better, but having never been down this road before we wanted to do whatever we could to get our daughter back.

The doctor finally agreed to wean her off of the Keppra, so then we began Lamotrigine. Her behavior did not improve, and she started getting the rash that was a side effect we had been warned about. She ended up back in the hospital with another tonic-clonic seizure as we transitioned between these pharmaceuticals.

Another doctor and two more medications (Topamax and Onfi) later, her behavior and paranoia deteriorated to the point where we could not go anywhere (Onfi actually made her scream). She was convinced people were in our house taunting her; she talked to herself non-stop, including about how she was going to hurt herself and others. At this point, I hid the knives. We moved her mattress into our bedroom because she wasn't sleeping (sleeping had never been a problem before). Nobody got much sleep that summer.

We didn't know what to do. We ended up in the ER, and learned more than I ever wanted to know about the behavioral health system. I started doing research on CBD, as a friend had heard it was helpful for autism symptoms (my daughter has autism). In my research I found Harvesting Hope and our road back to sanity. It took a couple of months, but once she was off all pharmaceuticals and on CBD oil, my daughter was back to her old self.

We use "Charlotte's Web Chocolate Mint CBD Oil." She loves the taste, which is a blessing, as she cannot swallow pills. We have increased her dosage a bit as she has gained weight, but it is the only CBD product we have used. She still has seizures about every three to four months, but they have been less severe than they were before she was taking CBD, and we are actually living our lives again with my daughter's health under control.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 17, 2018, in Peoria, Arizona.

Cath M. Foland
CATHERINE FOLAND

EXHIBIT 9

I, JESSICA PRATHER, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.
2. The following information is within my own personal knowledge.
3. Our world was turned upside down when our (then) 3 year-old daughter, Audrey, was diagnosed with epilepsy in March of 2015, when she had 11 seizures in one day. She was put on Keppra. The side effects were minimal but her seizures worsened and became more frequent a couple of months later, and her neurologist suggested putting her on another anti-seizure medication, Trileptal. That is when the nightmare really started and she began seizing for 20-45 minutes at least once a week from September to November 2015. We had weekly 911 calls, ambulance rides to the hospital, and then had to deal with the aftermath of hospital bills and our daughter being doped out on massive amounts of drugs.

We fired our neurologist and searched for a neurologist that was open to more natural methods of treating our daughter's epilepsy. We found a neurologist in PCH and he suggested an EEG monitoring stay where we found out that Trileptal was *worsening* her seizures. She was then put on Lamictal. A month later on this anti-seizure medication she developed tremors, acted like a zombie, her development was negatively affected, and she was still having weekly seizures. At this point, we were at our wit's end and desperate. We were willing to try anything that would help our daughter's seizures but not ruin her quality of life.

Our neurologist pointed us to medical marijuana, and specifically to Dr. Troutt at Harvest of Tempe. I called and was given a lot of helpful information on the medical benefits of cannabis with relation to epilepsy. We started her on CBD oil and we automatically saw improvement in her cognitive development. We were free from seizures for 3 weeks for the first time in 5 months.

With medical marijuana we finally have our sweet girl back. Side effects were pretty much non-existent: her sensory processing issues have been helped and her seizures have been helped. We are still trying to figure the right dosage with CBD to control her seizures but we would *much rather* go down the cannabis route than go back to her harmful pharmaceutical medications. Recently, my daughter's focal aware/simple partial seizures came back and it was happening every morning, sometimes 1-3 times during the day. I went back to Harvest of Tempe to purchase BioMed THC Oil to see if that would help. From her first dose, she stopped having these particular types of seizures. It was amazing! Also, another benefit of this oil is that it really helps my daughter's sensory issues and aggressive behavior. She's overall happier and less aggressive. Marijuana has helped improve our daughter's quality of life tremendously.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on Sept 24th 2018, in Chandler, Arizona.


JESSICA PRATHER

APP-029

EXHIBIT 10

I, Alicia Goodman, declare and state as follows:

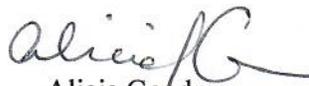
1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. I am writing this in support of CBD oil in tincture form as remaining legal. My son is 11 years old and suffers from epilepsy. He began having seizures when he was 4 years old. His seizures were severe tonic-clonic seizures, and he went on Keppra, an antiepileptic drug. Keppra had some severe behavioral side effects but did keep him seizure free. He was very oppositional, aggressive, violent, and difficult. After 5 years of being seizure free, despite an abnormal EEG and a doctor that told us he would have another seizure, we decided to take him off Keppra because the side effects were too much to manage. The doctor wanted him to switch to another medication that would require regular liver functioning checks and this was not something we wanted to be doing with our 8 year old child. After 6 months he had a seizure, a severe one that had us using his emergency med and a trip to the hospital. Soon after that he had another seizure and another one. We knew we had to start treating his seizures again, we were hesitant to go back on the Keppra, but we knew it had worked, so we did. Within 3 days he was having suicidal thoughts (age 9) and was very aggressive with other children. The doctor wanted us to try a different medication, this time something that would help his behaviors and his seizures, but again we would have to monitor the effect the meds were having on his liver and this was not something we wanted to do. We did a lot of research and found that CBD oil (with little to no THC) was being used to treat seizures, with success! A natural product without side effects, no liver function monitoring and it could treat his anxiety too?! We were somewhat skeptical but dove right in. We started with Charlotte's Web and the day after we started, he did not have any more seizures. We moved away from CW because we saw some behavioral effects arise again and now we use Hailey's Hope CBD oil (tincture). We know that this works to control his seizures as he has been mostly seizure free since starting CBD oil almost two years ago. The only exception and the reason for my "mostly" was my fault- He had a few breakthrough seizures with a recent growth spurt when I failed to adjust his dose based on his new weight. Since upping the dose (he takes 0.41 mL twice a day which is a very low dose), the seizures have stopped. Without CBD oil, my son has seizures on an irregular basis, from daily to every month or so, but with CBD we know that he does not have any at all. We feel very blessed that we have found CBD oil to treat my son's seizures. Regarding why the flower of the marijuana plant won't work for us, it is simple: because it is not his treatment and his treatment is working.

My son needs his CBD concentrate to stay and remain seizure free and side effect free. To remain healthy and happy and functioning like any other kid. CBD keeps my kid being able to function and learn like others. He is a twice exceptional kiddo, highly gifted and has epilepsy and anxiety. His CBD also lowers his anxiety where he can make friends and function in our society. If CBD oils become illegal in the state of Arizona, we will seriously need to consider either moving out of state or dealing with the ramifications of having illegal substances in our home. Neither of which we really want to do but will do if necessary. There is no way we are going back to regular seizure activity. There is no reason CBD, or any other derivative of marijuana used for medical purposes, should be illegal.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September XX 2018, in XXX, Arizona.

 9-22-18
Alicia Goodman

2

APP-032

EXHIBIT 11

I, Andrea Light, declare and state as follows:

1. I submit this declaration in support of the amici curiae brief filed on my behalf by American Civil Liberties Union Foundation and American Civil Liberties Foundation of Arizona in support of Rodney Jones' Petition for Review.

2. The following information is within my own personal knowledge.

3. My son Devin Light was born July 14th 2011 with Cortical Dysplasia which causes him to have intense tonic-clonic seizures. We first tried multiple pharmaceutical medications and combinations of those meds and none of them helped. Then he had three brain surgeries and that didn't help. Our son is now missing about my fist full size of brain tissue and his seizures have worsened. His only hope according to Doctors is to have a hemispherectomy, they want to cut out half his brain. There is no cure for Cortical Dysplasia or any type of epilepsy.

We started using cannabis in March of 2015, that month forever changed our lives. We bought a pre-made tincture and Devin slept through the night for the first time in his life, the longest he'd ever slept was 4hrs, he was 4years old! His seizures dropped from 10 per day to 1 per week; then dropped to months being seizure free! His seizures started again when we couldn't purchase that product in Arizona anymore and had to make our own tincture from flower. However, we just couldn't keep the CBD consistent with the products available. Finally, we found two products made locally here in Arizona where we could work with the

manufacturers to make a product specially for him, Source CBD an oil tincture and C2W a cannabis concentrate mixed with water. They are consistently grown and tested to be the same product every time. We don't have to worry about what our son is getting which gives us peace of mind.

When we found these products, his seizures were at 15 or more per day and now he goes weeks seizure free. When he does seize they are short and he recovers quickly. It's not perfect yet but we've made more progress these two products than anything we've tried yet. We found that when we take him off cannabis he has 60plus seizures a day! Flower is ok for adults to take because they can smoke it, but kids can't! And making our own tincture isn't possible for our son because we can't keep it consistent. This puts a lot of stress on us as parents. Tinctures and concentrates are our sons only help with seizure freedom!

Devin has completed kindergarten a year late, but he is ready and excited for first grade because of these products. He won't be behind the other kids this year which is such a relief. He has made friends and loves going to school like a big boy. He has cognitively progressed, and his speech has progressed. He is now playing with his sister like siblings should. He builds amazing buildings with Legos and has fun being as normal a kid as he can. When asked what he wants to do when he grows up he says, "to make people happy." Without this medicine Devin would have to lose half his brain which would make him paralyzed on one

side of his body. That would crush our sons heart he loves to run and play like other kids. My husband and I have spent the last 7 years fighting to give Devin a normal life, please don't take our sons life from him. Our son and many other children need cannabis tinctures and concentrates to help give seizure freedom

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September XX 2018, in XXX, Arizona.

A handwritten signature in cursive script, appearing to read "Andrea Light", written over a horizontal line.

Andrea Light

EXHIBIT 12

Declaration of William Troutt, NMD

1. I, William Troutt, do hereby swear that: I am over the age of 18 and am a resident of the State of Arizona and the County of Pinal. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.

2. I declare under penalty of perjury that, to the best of my knowledge and belief, the information herein is true and correct.

3. My name is William Troutt. I was born, raised and educated in the State of Arizona. I received a Bachelor of Science degree in biology and graduated Magna Cum Laude from Arizona State University in 1999. I graduated from Southwest College of Naturopathic Medicine in 2003 and was licensed to practice medicine in the State of Arizona in 2004.

4. Naturopathic Physicians are the only primary care physicians trained in the preparation of, and treatment with, medications prepared from raw botanicals. This training specifically includes the extraction of medicinal constituents from botanical plant medicines, which is standard practice in botanical medicine today.

5. In addition to my naturopathic studies, I have developed expertise and specialization in medical cannabis. I have been studying the historic and scientific literature on medical cannabis for the last two decades. During the last three years, marked by the passage of the Arizona Medical Marijuana Act (AMMA), I have exclusively worked in the field of medical cannabis. I have consulted with and learned from hundreds of medical cannabis patients, top physicians and researchers in the field, and public servants and industry leaders.

6. After the AMMA passed in November 2010, I performed medical evaluations for patients who were interested in using medical cannabis, and I completed certifications for patients who qualified under the AMMA. I focused these evaluations on counseling patients about the benefits and risks of using medical cannabis as well as dosage and methods of administration.

7. In December 2012, I became the medical director for the first state-licensed medical cannabis dispensary in Arizona. As part of my duties, outlined by the Arizona Department of Health Services, I generate educational materials for dispensary patients and training materials for dispensary agents including dosage and methods of administration. I have acted as a consultant for other dispensary medical directors as well as physicians who recommend medical cannabis to their patients.

8. An extraction generally refers to a method by which certain constituents are removed from a plant. Cannabinoids, as well as other medicinal constituents, are extracted from cannabis.

9. There are many ways that different parts of the plant can be removed. Historically, people have used relatively simple ways to isolate parts of the plant for different preparations, including edible preparations. Cannabis preparations that are consumed as food or drink typically involve cannabis extracts rather than just plant material.

10. As medical cannabis producers have become more sophisticated, the extraction methodology they use to create edible preparations has also become more sophisticated. Many edible preparation producers now utilize extraction technology developed for large-scale food preparation.

11. Extractions are important for patients because they enable medical cannabis producers to create products that are tailored to different types of patients' specific needs. By using extraction methods, a manufacturer can isolate the particular parts of the plant that the manufacturer wants to use, test it for proper and precise dosing, and provide different types of patients with medicine specifically designed for their condition. Extractions also increase the delivery options for patients so that they neither have to inhale cannabis nor eat bulky and fibrous dried plant material to get the medicine they need. Indeed, patients suffering from the advanced stage of amyotrophic lateral sclerosis, also known as ALS or Lou Gehrig's Disease, have great difficulty breathing and swallowing. For these patients, eating raw plant material, or smoking and/or inhaling medical marijuana, is physically impossible. These patients can, however, consume an extract from medical marijuana.

12. By contrast, simply testing raw plant material as opposed to extracting parts of the plant does not provide patients with as accurate a picture of the actual cannabinoid constituents in their medicine, and does not provide patients with medicine specifically tailored to their needs. Flowers from the same plant test differently. Multiple tests can provide an average, but each dose of plant material will vary.

13. Patients who are limited to edible or drinkable cannabis preparations made from un-manipulated plant material have fewer, less precise, and less palatable options available to them than patients who have access to edible or drinkable cannabis preparations made using extracts from plant material.

14. Published medical studies dating back to the 1950s demonstrate that cannabinoids have anti-seizure effects. Many of these studies note common knowledge and anecdotal reports about the cannabis plant effectively treating

seizure disorders since antiquity. The majority of cannabis studies that show benefits for patients with seizure disorders focus on the cannabinoid cannabidiol (CBD). However, there are also studies showing anti-seizure activity with the cannabinoid tetrahydrocannabinol (THC) as well as other cannabinoids.

15. A safe and effective dosage of CBD has been validated through many human and animal studies. This dosage is referred to as a safe therapeutic dosage range. To obtain a therapeutic dosage of the CBD, THC must only be present in a small quantity to avoid any side effects associated with the euphoria or sedation that is caused by a high dose THC. Cannabis strains above 20:1 CBD to THC have been identified that allow for a therapeutic dose of CBD to be achieved without any of the side effects that may be associated with large doses of THC. Since the passage of medical cannabis laws in many states, physicians and parents have reported that extracts from these 20:1 and above ratio strains have effectively controlled seizure disorders in children.

16. The last two decades of medical research has identified an endocannabinoid system in most living organisms that is stimulated by cannabis. This research has shown that stimulating the endocannabinoid system has a fundamental role in balancing the human nervous and immune systems. This understanding brings clarity to the physiological explanation of how cannabis can subdue a hyperactive or erratic nervous system that is associated with many seizure disorders.

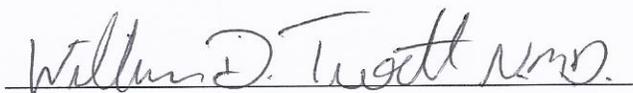
17. If a seizure patient cannot access cannabis that has a minimum of a 20:1 CBD to THC ratio, I would recommend using cannabis with a lower ratio and supplementing it with an extract typically called CBD oil. The CBD oil has no measurable THC, but is high in CBD. CBD oil contains high levels of cannabidiol but does not contain many of the other cannabinoids found in the cannabis plant.

The purpose of this recommendation is to come as close as possible to matching the known therapeutic dose of CBD as well as reports of what other children with seizure disorders are currently using to get the best results.

18. Medical cannabis patients tend to experience better results from extractions that come from the cannabis plant and contain some or all of the naturally occurring cannabinoids than from CBD oil, which contains a far less robust cannabinoid profile.

19. I was introduced to the Welton family in the context of my work as a medical director for a dispensary. I spoke with Jennifer and Jacob Welton about the benefits and risks associated with the medical cannabis dosages that are appropriate for a patient like Zander. I have also consulted with a physician who recommended and certified Zander as having a qualifying medical condition under the AMMA. I am consulting with the Weltons and this physician on a regular basis to provide educational guidance for safe and effective dosing for Zander.

Executed this 7th day of November 2013.



William Troutt, NMD